

REMARKS

Applicants amended pending claims 1-11 for clarification and refer to Figs. 7, 8, and their corresponding description in the specification for an exemplary embodiment of and support for the claim amendments. No new matter has been added.

Applicants have claimed, by signed Declaration, foreign priority under 35 U.S.C. 119(a)-(d) to Japanese Patent Application No. 2000-300620, a certified copy of which was filed concurrently with the present application. The Examiner has not acknowledged Applicants' foreign priority or the receipt of the priority documents in any of the previous Office Actions. As such, Applicants respectfully request that the Examiner acknowledge Applicants' foreign priority and the receipt of the priority documents in the next action.

Claims 1-5 and 8-9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,550,805 to Takatori et al. in view of U.S. Patent No. 6,256,292 to Ellis et al.; claim 5 stands rejected under 35 U.S.C. § 102(e) as being anticipated by Ellis et al. and U.S. Patent Application Publication No. 2002/0009091 to Taniguchi, respectively; claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Takatori et al. in view of U.S. Patent No. 5,479,608 to Richardson; claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Takatori et al. in view of U.S. Patent No. 6,735,171 to Takeguchi; claim 10 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Takatori et al.; and claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellis et al. in view of Richardson. Applicants amended the rejected claims in a good faith effort to clarify the invention as distinguished from the cited prior art references. The Examiner's rejections are respectfully traversed.

The Examiner relied upon Ellis et al. as a combining reference that allegedly discloses the claimed feature of "[a] first node receiving as input an LP-S (Lockout of protection (span)) command)." Page 4, line 5 of the Office Action. The cited portion of Ellis et al., however, appears to describe the use of a Unidirectional Line Switched Ring ("ULSR") in place of a Bidirectional Line Switched Ring ("BLSR"), and thus, the elimination of the "LP-S" span code. See, e.g., col. 11, lines 41-42 of Ellis et al. It would, therefore, not have been obvious to one skilled in the art to modify and combine Takatori et al. and Ellis et al. in the manner proposed by the Examiner because the cited portions of Ellis et al. explicitly teach away from such modification and combination.

Furthermore, even assuming, arguendo, that it would have been obvious to combine the references, the combination would still fail to teach or suggest,

"the transfer of a switch request is achieved by using K bytes (2 bytes) on a protection channel and the ring network including, at least, a means for relieving failures occurring at opposing adjacent nodes when LP-S and SF-P are set as the same APS byte," as recited in amended claim 1. (Emphasis added)

Such a combination would, likewise, fail to teach or suggest,

"relay nodes, each being operable when one of LP-S or SF-P is received from one direction and an SF-R (ring switch) request is received from another direction when the LP-S and SF-P are set as the same APS byte," as recited in dependent claims 3 and 4. (Emphasis added)

Accordingly, Applicants respectfully submit that claim 1, together with claim 3 dependent therefrom, is patentable over Takatori et al. and Ellis et al., individually and in combination, for at least the above-stated reasons. Claims 2, 5, 8, 9, and 10 all include limitations similar to those of claim 1 cited above, and are, therefore, together with claim 4

dependent from claim 2, patentable over the cited prior art references for at least the same reasons.

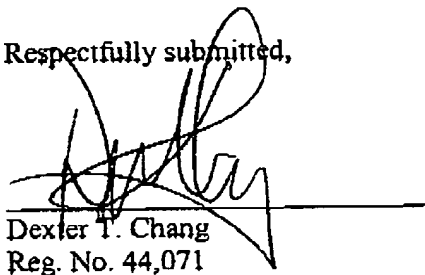
Applicants further submit that Taniguchi, Richardson, and Takeguchi, as cited and applied by the Examiner, also fail to teach or suggest the above-cited features of claim 1. As such, claims 6, 7, and 11, each of which recites such features, are patentable over the cited prior art references as applied by the Examiner.

The above statements on the disclosure in the cited references represent the present opinions of the undersigned attorney. The Examiner is respectfully requested to specifically indicate those portions of the respective reference that provide the basis for a view contrary to any of the above-stated opinions.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



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